

Compilation of Responses to ASTSWMO State CCR Permit Program Information Request

In August 2018, ASTSWMO sent a request to State and Territorial (State) solid waste programs to update information gathered in March 2018 that asked about their plans to adopt and seek EPA approval of a State Coal Combustion Residuals (CCR) permit program as authorized under the 2016 Water Infrastructure Improvements for the Nation's (WIIN) Act.

We did not seek updates from 17 States which had either indicated they do not plan to seek EPA approval, or have no CCR facilities. Oklahoma was not included in the update since it had already received EPA approval.

From mid-August through early September, we received 22 responses to the update request. We received updated information from two additional States in December 2018.

Of the 23 total responses to the question we asked:

- 18 States plan to seek EPA approval. Of these, at least 4, possibly 5, intend to seek partial approval, the rest plan to seek full approval.
- 2 States do not intend to seek EPA approval.
- 3 States are undecided.

Some States indicated that they intend to wait to seek approval until changes to EPA's 2015 rule, either through EPA's amendments to the rule and/or pending lawsuits, are settled, to avoid having to go through the State rulemaking process more than once to incorporate changes at the federal level. Some States also indicated that they are waiting to seek EPA approval until adoption of the federal rule has been completed through their State rulemaking process. States also expressed concerns about how EPA will view proposed flexibilities in their State CCR permit programs.

State respondents that indicated that their States do not intend to seek approval cited limited applicability, and prioritizing resources in light of the legal challenges to the rule and having several other pressing issues. Factors cited by undecided States were uncertainties due to amendments and challenges to the EPA rule. Some States that do not plan to seek approval or are undecided noted that current State laws and regulations are sufficiently protective of the environment, and the existing State permitting requirements are similar to, equivalent to or go beyond EPA's requirements.

State-specific responses follow.

When asked whether the Phase I amendments to the EPA rule influenced the State's decision to adopt the EPA rule and seek CCR permit program approval, most said it did not.

ASTSWMO August 2018 CCR Information Request

22 Responses as of 9-5-18, and 2 additional updates received in December 2018

Is your State planning to adopt a CCR permit program that incorporates the EPA CCR rule, and to seek EPA approval of the permit program?

If Yes, please indicate if your State is applying for full or partial program approval.

State	Yes	Full Approval	Partial Approval	No	Undecided
AK	X		X		
AZ	X		X		
GA	X	X			
IA	X	X			
KS	X	X			
KY	X	X			
LA	X	X			
MD	X	X			
MI	X	X			
MN				X	
MO	X	X			
MT	X	X			
NE*	X	X			
NV				X	
NY					X
NC	X		X		
ND	X	X			
SC					X
SD	X	X			
TX**					
VA					X
WV	X	X			
WI	X		X		
WY	X	X			

*December 2018 updated information.

**We understand TX and EPA have been communicating, according to a December 2018 TX update.